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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,358	10/15/2001	Stephen Lange Ranzini	3892-4002	6886

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EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/981,358	RANZINI ET AL.	
	Examiner	Art Unit	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 9, 30-52, 55- 59, 62, 64, 66, 68, 70,71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 9, 30-52, 55- 59, 62, 64, 66, 68, and 70-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Restriction Requirement made Final

- a. Applicant's election with traverse of System and Method for Secure Data and Funds Transfer in the reply filed on 10/15/2004 is acknowledged. The traversal is on the ground(s) that all groups of restricted claims are properly presented in the same application; undue diverse searching would not be required; and all claims should be examined together. The Applicant further states that examination of the claims of Groups I, II, and IV-VI, in addition to the claims of Group III, would place no additional "serious" burden on the Examiner as examination of the claims of Groups I, II, and IV-VI would not require undue diverse searching beyond that which would be necessary for examination of the claims of Group III. This is not found persuasive because the Applicant did not provide the reasoning and logic to support their reasons for traversing their election. Repeating the two criteria's, from the MPEP without addressing the six different classes/subclasses presented and why they are not independent and distinct, does not provide the Examiner with the opportunity to respond. The requirement is still deemed proper and is therefore made FINAL.
2. The claims presently pending are 8, 9, 30-52, 55- 59, 62, 64, 66, 68, and 70-71.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 56-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claim discloses the transfer of electronic cash from one bank to another. Claim 56-58 discloses real-time access for official government research that is associated with econometric and law enforcement. The Applicant has not provided the motivation and/or logic how claims 56-58 depend on claim 8.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 8, 9, 30-52, 55, 59, 62, 64, 66, 68, and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20010018739A1-Anderson et al. [Anderson `739], and further in view of US 6,427,140-Ginter et al. [Ginter `140]**

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As per claim 8:

Anderson '739 disclose:

a first entity transmitting to the first entity's clearing bank a cash request electronic mail message, said message requesting that an electronic representation of cash be sent to a specified second entity; Fig. 3, 0174-0175

the first entity's clearing bank transmitting as an electronic mail message attachment to the second entity's clearing bank, Fig. 3, 0176-0177.

Anderson '739 discloses the claimed invention except for a digital rights management vault containing said electronic representation of cash. Ginter '140 teaches that it is known to utilize the concept of placing data into a VIDE content container/digital rights management container and associating control information with said data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a VIDE content container/digital rights management container as taught by Ginter '140, since Ginter '140 states at Col. 22, lines 15-25 that such a modification would eliminate the constraints of having to use a few high level individual, pre-defined content provider increments.

As per claim 9:

Anderson '739 further disclose:

the second entity's clearing bank sending an electronic mail message to the first entity's clearing bank requesting receipt of the actual funds corresponding to said electronic representation of cash. [0226]

As per claim 30:

Anderson '739 and Ginter '140 further disclose:

wherein said digital rights management container relies on a security system which is based on an open standard cryptographic method by Anderson '739 [0073-0075] and Ginter '140 Fig. 10, Col. 8, lines 1-10 and Col. 67, lines 1-50,

Anderson '739 and Ginter '140 discloses the claimed invention including, determining the identity of the requestor, the authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform authentication protocols such as determining the identity of the requestor, authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. Anderson '739 Fig. 17 A/B and Ginter '140 Fig. 10

As per claim 31:

Anderson '739 and Ginter '140 further disclose:

employing a message set order protocol and dataset that are proprietary; and publishing the application protocol interfaces corresponding to said message set and set dataset as an open standard. Anderson '739 [00730075] and Ginter '140 Fig. 10, Col. 8, lines 1-10 and Col. 67, lines 1-50,

Anderson `739 and Ginter `140 discloses the claimed invention including, determining the identity of the requestor, the authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform authentication protocols such as determining the identity of the requestor, authority of the requestor, predetermined rules, open standard cryptographic method, avoiding fraud, selecting the authentication method, etc. Anderson `739 Fig. 17 A/B and Ginter `140 Fig. 10

As per claim 32:

Anderson `739 further discloses the claimed invention except for accessing the databases of synergistic services. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 33:

Anderson `739 further discloses the claimed invention except for accessing the database directory of user's profiles and attributes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 34:

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Anderson `739 further discloses the claimed invention except for accessing the database of aliases of users. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 35:

Anderson `739 further discloses the claimed invention except for accessing the database of pending transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 36:

Anderson `739 further discloses the claimed invention except for accessing the database for validation services. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 37:

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Anderson `739 further discloses the claimed invention except for accessing the database of eCheck numbers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 39:

Anderson `739 further discloses the claimed invention except for accessing the database of user authorities. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 40:

Anderson `739 further discloses the claimed invention except for accessing the database of auditing services. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson `739. Fig. 24, [0252].

As per claim 41:

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Anderson '739 further discloses the claimed invention except for accessing the database of ERP data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to access any type or style of databases since it was known in the art that the protocol for accessing databases is well known as taught by Anderson '739. Fig. 24, [0252].

As per claim 42:

Anderson '739 further disclose:

wherein said database of ERP data secures its data pervasively using digital rights management. 0175-0180

As per claim 43:

Anderson '739 discloses the claimed invention except for utilizing XML compilers to speed up transaction rates and data processing speeds for ERP enabled messages. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to utilize XML compilers to speed up transaction rates and data processing speeds for ERP enabled messages since it is known in the art that XML compilers speed up transaction rates and data processing speeds for ERP enabled messages.

As per claims 44-48:

Anderson `739 discloses the claimed invention except for the providing customer service in the forms of a help wizard, self-executing software diagnostic tool, and an ERP he wizard. Ginter `140 teaches that it is known to provide customer service. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide customer service as taught by Ginter `140, since Ginter `140 states at Col. 26, lines 35-67 th such a modification would support user interaction.

As per claim 49:

Anderson `739 discloses the claimed invention, as discussed above, for performing a settlement using a bank payment system. It would have been an obvious matter of design choice to modify the teachings of Anderson `739 and Ginter `140 to provide performing a settlement using a bank payment system regardless of the terms used to describe the same action/entity be it, a first entity or customer or user, etc, be it using an ATM POS system, interfacing with a currency exchange provider, a conventional bank, performed in an automated manner etc. Since the applicant has not disclosed that using different names to describe the same thing solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Anderson `739 and Ginter `140 will perform the invention as claimed by the applicant with any method, means, or product to perform a settlement using a bank payment system.

As per claim 50:

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Anderson '739 further disclose:

performing settlement using an ATM POS system. [0222]

As per claim 51:

Anderson '739 further disclose

interfacing with a currency exchange service provider. [0224]

As per claim 52:

Anderson '739 further disclose

wherein said steps are performed in an automated manner. [0175-0177]

As per claim 55:

Anderson '739 further disclose

generating messages to transfer to a conventional bank the funds
corresponding to said electronic representation of cash. [0226]

As per claim 59:

Anderson '739 further disclose

placing time-based limitations on the validity of said electronic
representation of cash. [0242]

As per claim 62:

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Anderson '739 further disclose

providing real-time transfer of the finds corresponding to said electronic representation of cash. [0226]

As per claim 64:

Anderson '739 further disclose

allowing a user requesting said transmission to select the authentication method to be used to access said descriptive data and said electronic representation of cash. [0226]

As per claim 66:

allowing said entities to establish subordinate users who may have similar or lesser authorities than a primary user.[0224]

As per claim 68:

further comprising the step of requiring a user requesting the transmission of said vault to select that a standard privacy matrix template be used to access said descriptive data and said digital representation of money. [0226]

As per claim 70:

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Anderson '739 further disclose
screening said electronic mail messages for viruses or other malicious
code. [0174]

As per claim 71:

Anderson '739 further disclose
protecting users from spam, denial of service attacks or other malicious
interference. [0174]

Examiner's Note: Examiner has cited particular columns and line numbers in the
references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and
are applied to the specific limitations within the individual claim, other passages
and figures may apply as well. It is respectfully requested from the applicant, in
preparing the responses, to fully consider the references in entirety as potentially
teaching all or part of the claimed invention, as well as the context of the passage
as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Daniel L. Greene whose telephone number is
703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

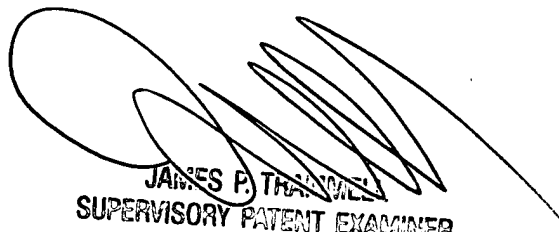
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/01/2004

DLG



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